

REMARKS:

This paper is herewith filed in response to the Examiner's final Office Action mailed on February 18, 2010 for the above-captioned U.S. Patent Application. This Office Action is a rejection of claims 1-3, 6-8, 10-16, 23-26, 30-35, 37-42, and 44-48 of the application.

More specifically, the Examiner rejected claims 1-3, 6-8, 14-15, 23-26, 30-35, 37-40, 44-46, and 48 under 35 USC 103(a) as being unpatentable over Tanaka (US 6435969) in view of Leah (US5808601); rejected claims 16 and 47 under 35 USC 103(a) as being unpatentable over Tanaka in view of Leah; rejected claims 10-13 under 35 USC 103(a) as being unpatentable over Tanaka et al. in view of Leah in view of Yamada (US5874941); rejected claim 42 under 35 USC 103(a) as being unpatentable over Tanaka et al. in view of Leah further in view of Rutledge (US5764219); and rejected claim 41 over Tanaka et al. in view of Leah in view of Erfat (US6570587). The Applicant respectfully disagrees with the rejections.

Claims 1, 44 and 48 have been amended. Support for the amendments can be found at least at least on page 12, line 25 to page 13, line 19 of the application as filed. No new matter is added.

Interview Summary

On Wednesday April 15, 2010 the Applicant's Representative contacted Examiner Pesin to discuss the Examiner's suggested amendments as indicated on page 12 of the Office Action mailed on February 18, 2010. The Applicant's Representative inquired as to whether proposed amendments, as similarly suggested by the Examiner, would further the prosecution of the claims to an Allowance. The Examiner indicated that the proposed amendments could possibly lead to an Allowance. Further, the Examiner indicated that he would consider the amendments in a Response to final Office Action. In addition, the Examiner indicated that, in view of a Response to final Office Action, Examiner's amendments may be an option for prosecution to an Allowance.

The Applicant's Representative indicated that the proposed amendments would be filed in a Response to final Office Action, preferably before the second month date of April 18th 2010. The Applicant's Representative submits that this Interview Summary is a complete Response to any PTOL-413 or other form associated with this conversation or Interview with the Examiner. The Applicant's Representative thanks the Examiner for his time and candor in this matter.

First, the Applicant notes that, as indicated in the Interview Summary above, in the Response to Arguments section of the Office Action the Examiner states:

“Since Applicant's claims do not preclude the possibility that the cursor is stationary, Leah would read on the recited claim limitation (See explanation above in the body of the rejection). Given that the cursor can be stationary, the radius would be a perfect circle. To overcome the cited art, the Examiner suggests that the Applicant amend the claims to specify that the ‘determining’ step is occurring during the movement of the cursor,” (emphasis added), (see page 12 of the Office Action).

Although the Applicant does not expressly or impliedly agree with the rejections, the Applicant submits that in order to facilitate the prosecution of this patent application towards allowance each of the independent claims 1, 44, and 48 have been amended in a somewhat similar fashion in view of the Examiner's comments, as stated above. For example, claim 1 now recites in part that:

A method comprising: receiving a signal from a dual-state button having a single depressed state, for moving a focus in a given direction on a graphical display; providing, in response to receiving said signal, predefined acceleration data for accelerating said focus in said given direction; determining a position of the focus on the graphical display as a function of said acceleration data; displaying the focus at said position on said display; determining a distance between the focus and an object as a radius using a co-ordinate system that is rotated and compressed in a direction of movement of said focus, where said co-ordinate system is rotated so that it becomes aligned with the direction of movement and where determining occurs during the movement of said focus; and if said object has a smallest determined radius, marking said object as a selected object.

The Applicant submits that in accordance with an exemplary embodiment of the invention, as similarly recited in claim 1, there is at least a determining of a position of the focus on the graphical display as a function of said acceleration data and a determining of a distance between the focus and an object as a radius using a co-ordinate system that is rotated and compressed in a direction of movement of said focus, where determining occurs during the movement of said focus. The Applicant submits that the amendments to claim 1 are supported at least on page 12, line 25 to page 13, line 19 of the application as filed.

The Applicant respectfully submits that, although the proposed combination of the references is not agreed to as proper, none of the references cited, alone or combined, disclose or suggest at least where claim 1 relates to determining a distance between the focus and an object as a radius using a co-ordinate system that is rotated and compressed in a direction of movement of said focus, where said co-ordinate system is rotated so that it becomes aligned with the direction of movement and where determining occurs during the movement of said focus.

The Applicant respectfully request that, for at least these reasons, the rejection of claim 1 be removed and claim 1 be allowed.

In addition, the Applicant submits that, for similar reasons, the foregoing amendments to the independent claims 44 and 48 also place these claims in condition for allowance in view of the references cited. Therefore the Examiner is requested to remove the rejections and allow these claims.

Further, the Applicant submits that for at least the reasons that claims 2-3, 6-8, 10-16, 23-26, 30-35, and 37-42, and claims 45-47 depend from claims 1 and 44, as stated above, the references cited do not disclose or suggest these claims. Therefore, the Applicant requests that the rejections of these claims be removed.

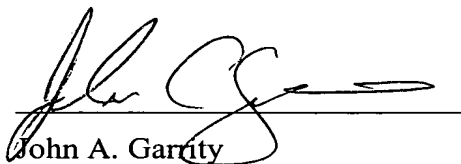
Additionally, although the Applicant does not argue against all the rejections in the Office Action, the Applicant does not acquiesce to these rejections.

S.N. 09/886,419
Art Unit 2174

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1-3, 6-8, 10-16, 23-26, 30-35, 37-42, and 44-48. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-3, 6-8, 10-16, 23-26, 30-35, 37-42, and 44-48 and to allow all of the pending claims 1-3, 6-8, 10-16, 23-26, 30-35, 37-42, and 44-48 as now presented for examination.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Should any unresolved issue remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted:


John A. Garrity
Date

Reg. No.: 60,470

Customer No.: 29683

HARRINGTON & SMITH ATTORNEYS AT LAW, LLC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203)925-9400

Facsimile: (203)944-0245

email: jgarrity@hspatent.com